

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

<b>JASON BURKETT,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CAUSE NO. 3:06-CV-058 AS</b>
<b>v.</b>	)	
	)	
<b>LYNNE WICKER, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

**OPINION AND ORDER**

Jason Burkett, a *pro se* prisoner, was granted leave to proceed against Nurse Lynne Wicker, but the United States Marshals Service has been unable to locate an address at which to serve her with a copy of the summons and complaint. At the time that she committed the alleged acts and omissions, she was employed by Health Professionals Ltd., but it has declined to provide the Marshals Service with her last known address.

Though Health Professionals Ltd. was previously dismissed from this lawsuit by the screening order of June 14, 2006, in these circumstances the court will reinstate it as a defendant for the purpose of discovery to determine the last known address of Nurse Lynne Wicker. *Compare Antonelli v. Sheahan*, 81 F.3d 1422, 1428 (7th Cir. 1996) (Service may be made on a senior official for the purpose of identifying the actual names of the defendants whose names the plaintiff does not know.)

Therefore the United States Marshals Service will effect service of process on Health Professionals Ltd. which must respond to this complaint by entering an appearance. Mr. Burkett is advised that after an attorney for Health Professionals Ltd. notifies him of having entered an appearance in this case, he must conduct discovery by filing and serving interrogatories on the defense attorney related to the last known address of Health Professionals Ltd.'s former employee Nurse Lynne Wicker. It is unnecessary for Health Professionals Ltd. to file an answer, initiate discovery, or file a motion to dismiss, but it must respond to Mr. Burkett's discovery. The parties are reminded that pursuant to N.D. IND. L.R. 26.2(e), discovery in a *pro se* case must be filed with the court as well as served on opposing counsel.

For the foregoing reasons, the court:

- (1) **REINSTATES** Health Professionals Ltd. as a defendant;
- (2) **DIRECTS** the United States Marshals Service to serve a summons and a copy of this order on Health Professionals Ltd.; and
- (3) **WAIVES** Health Professionals Ltd.'s obligation to file an answer pursuant to 42 U.S.C. § 1997e(g)(2).

**IT IS SO ORDERED.**

**ENTERED: July 11, 2006**

**S/ ALLEN SHARP**  

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**ALLEN SHARP, JUDGE**  
**UNITED STATES DISTRICT COURT**